

Panaji, 11th September, 2014 (Bhadra 20, 1936)

SERIES II No. 24

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

*Note:- There is one Extraordinary issue to the Official Gazette, Series II No. 23 dated 04-09-2014 namely, Extraordinary dated 05-09-2014 from pages 517 to 518 regarding Notification from Goa Legislature Secretariat.*

### GOVERNMENT OF GOA

Department of Agriculture

Directorate of Agriculture

#### Order

No. 8/31/2014-15/D.Agri/141

Government is pleased to depute Shri Joaquim D'Souza, Assistant Director of Agriculture against the post of General Manager vacated by Shri Nelson Figueiredo at Goa State Horticulture Corporation Ltd. in the pay scale of PB—III ` 15,600-39,100/-+ ` 6,600/- Grade Pay with immediate effect. His deputation against the post of Manager (Farm) shall stand curtailed from the date he assumes his charge of General Manager.

The deputation of Shri Joaquim D'Souza against the post of General Manager, shall initially be for a period of two years with effect from the date of taking over the charge and shall be governed by standard terms of deputation as contained in the OM No. 13/4/74-PER dated 12-02-1999 and amended from time to time.

Shri Joaquim D'Souza shall hold additional charge of Manager (Farms) till the new incumbent is deputed.

By order and in the name of the Governor of Goa.

*Orlando Rodrigues*, Director & ex officio Jt. Secretary (Agriculture).

Tonca-Caranzalem, 21st August, 2014.

Department of Animal Husbandry

Directorate of Animal Husbandry &amp; Veterinary Services

#### Order

No. 2-14-93-AH/Part-III/2762

Read: 10/89/14-AH/1245 dated 11-06-2014.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/I/5/3(1)/2013/578 dated 26-05-2014, the Government of Goa is pleased to appoint Dr. Harsh Bathini to the post of Veterinary Officer, Group 'B', Gazetted in the Directorate of Animal Husbandry & Veterinary Services, Panaji-Goa on regular basis in the pay scale of PB—2: ` 9,300-34,800 with Grade Pay of ` 4,600/- plus 25% NPA and other allowances as applicable.

His appointment will take effect from the date of his joining the post. His character and antecedents has been verified by the District Magistrate North and he was found medically fit to be appointed to Government Service. Upon joining the service he shall be posted at Cattle Breeding Farm, Copardem.

The above Officer shall be on probation for a period of 2 years.

By order and in the name of the Governor of Goa.

*Dr. B. Braganza*, Director & ex officio Jt. Secretary (A.H.).

Panaji, 26th August, 2014.

#### Order

No. 2-14-93-AH/Part-III/2763

Read: 10/78/14-AH/1252 dated 11-06-2014.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter

No. COM/I/5/3(1)/2013/578 dated 26-05-2014, the Government of Goa is pleased to appoint Dr. Anisha Carol Pinheiro to the post of Veterinary Officer, Group 'B', Gazetted in the Directorate of Animal Husbandry & Veterinary Services, Panaji-Goa on regular basis in the pay scale of PB—2: ` 9,300-34,800 with Grade Pay of ` 4,600/- plus 25% NPA and other allowances as applicable.

Her appointment will take effect from the date of her joining the post. Her character and antecedents has been verified by the District Magistrate South and she was found medically fit to be appointed to Government Service. Upon joining the service she shall be posted at Veterinary Dispensary, Cuncolim, Salcete.

The above Officer shall be on probation for a period of 2 years.

By order and in the name of the Governor of Goa.

Dr. B. Braganza, Director & ex officio Jt. Secretary (A.H.).

Panaji, 26th August, 2014.

#### Order

No. 2-14-93-AH/Part-III/2764

Read: 10/77/14-AH/1253 dated 11-06-2014.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/I/5/3(1)/2013/578 dated 26-05-2014, the Government of Goa is pleased to appoint Dr. Natasha Rachel Coutinho to the post of Veterinary Officer, Group 'B', Gazetted in the Directorate of Animal Husbandry & Veterinary Services, Panaji-Goa on regular basis in the pay scale of PB—2: ` 9,300-34,800 with Grade Pay of ` 4,600/- plus 25% NPA and other allowances as applicable.

Her appointment will take effect from the date of her joining the post. Her character and antecedents has been verified by the District Magistrate South and she was found medically fit to be appointed to Government Service. Upon joining the service she shall be posted at Veterinary Hospital, Sonsodo, Raia.

The above Officer shall be on probation for a period of 2 years.

By order and in the name of the Governor of Goa.

Dr. B. Braganza, Director & ex officio Jt. Secretary (A.H.).

Panaji, 26th August, 2014.

#### Order

No. 2-14-93-AH/Part-III/2765

Read: 10/85/14-AH/1250 dated 11-06-2014.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/I/5/3(1)/2013/578 dated 26-05-2014, the Government of Goa is pleased to appoint Dr. Laximan Navsu Sawant to the post of Veterinary Officer, Group 'B', Gazetted in the Directorate of Animal Husbandry & Veterinary Services, Panaji-Goa on regular basis in the pay scale of PB—2: ` 9,300-34,800 with Grade Pay of ` 4,600/- plus 25% NPA and other allowances as applicable.

His appointment will take effect from the date of his joining the post. His character and antecedents has been verified by the District Magistrate North and he was found medically fit to be appointed to Government Service. Upon joining the service he shall be posted at Veterinary Dispensary, Shiroda.

The above officer shall be on probation for a period of 2 years.

By order and in the name of the Governor of Goa.

Dr. B. Braganza, Director & ex officio Jt. Secretary (A.H.).

Panaji, 26th August, 2014.

#### Order

No. 2-14-93-AH/Part-III/2766

Read: 10/86/14-AH/1248 dated 11-06-2014.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/I/5/3(1)/2013/578 dated 26-05-2014, the Government of Goa is pleased to appoint Dr. Manik Dattatray Patil to the post of Veterinary Officer, Group 'B', Gazetted in the Directorate of Animal Husbandry & Veterinary Services, Panaji-Goa on regular basis in the pay scale of PB—2; ` 9,300-34,800 with Grade Pay of ` 4,600/- plus 25% NPA and other allowances as applicable.

Her appointment will take effect from the date of her joining the post. Her character and antecedents has been verified by the District Magistrate South and she was found medically fit to be appointed to Government Service. Upon joining the services she shall be posted at Mobile Veterinary Clinic, Quepem.

The above Officer shall be on probation for a period of 2 years.

By order and in the name of the Governor of Goa.

Dr. B. Braganza, Director & ex officio Jt. Secretary (A.H.).

Panaji, 26th August, 2014.

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**Department of Finance**  
Revenue & Control Division

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**Notification**

No. 4/5/2005-Fin(R&C) (113)

In exercise of the powers conferred by Clause (a) of sub-section (2) of Section 13 of the Goa Value Added Tax Act, 2005 (Goa Act No. 9 of 2005) (hereinafter referred to as the "said Act"), the Government of Goa hereby appoints the persons specified in column (2) of the Schedule hereto (hereinafter referred to as the "said Schedule") as Assistant Commissioners of Commercial Taxes, for carrying out the purposes of the said Act, with effect from the date of their joining the post as specified in the corresponding entry in column (3) of the said Schedule.

**SCHEDULE**

Sr. No.	Name of the Officer	Date of joining the post
1	2	3
1.	Shri Shyamsunder Y. Parab	22-10-2012.
2.	Shri Paresh M. Fal Desai	25-02-2013.
3.	Shri Vishant S. Naik Gaunekar	17-10-2013.
4.	Smt. Sarita Marathe	14-11-2013.

By order and in the name of the Governor of Goa.

Ajit S. Pawaskar, Under Secretary, Finance (R&C).

Porvorim, 26th August, 2014.

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**Department of Forest**

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**Order**

No. 4-3-2014/FOR/295

Government is pleased to extend the ad hoc promotion of S/Shri Subhas T.d'A Henriques and Milind V. Karkhanis, both Dy. Conservator of

Forests for a further period of one year w.e.f. 30-11-2013 to 29-11-2014.

This issues with the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/II/11/22(2)/2014/766 dated 31-07-2014.

By order and in the name of the Governor of Goa.

Nivette F. D. Sapeco, Under Secretary (Forests).  
Porvorim, 26th August, 2014.

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**Department of General Administration**

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**Notification**

No. 2/3/2012-GAD-H

As a mark of respect to the former Governor of Goa Shri Mohd. Fazal, who passed away on 04-09-2014, all the offices of the State Government will remain closed in the afternoon of 05-09-2014.

The above holiday will not be under the Negotiable Instrument Act, 1881.

By order and in the name of the Governor of Goa.

Prashant P. Shirodkar, Under Secretary (GA-II).  
Porvorim, 5th September, 2014.

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**Department of Home**

Home—General Division

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**Order**

No. 2/58/2007-HD(G)Part/2674

Read: 1) Government order No. 2/58/2007-HD(G)/Part/2892 dated 22-08-2013.

2) Addendum No. 2/58/2007-HD(G)/Part dated 17-12-2013.

Ex-post facto approval of the Government is conveyed for payment of consolidated fixed remuneration of ` 55,000/- to Prof. (Dr.) B. A. Gomes and Shri Surendra B. Shenvi Kerkar, both Members of State Police Complaints Authority in addition to their pensions drawn by them either from the Government or other agencies concerned and is inclusive of the permissible travelling allowances payable to the members.

Further during their services with the SPCA, an increase of ten percent per annum of their monthly remuneration shall be admissible.

This issues with the concurrence of the Finance (Rev. & Cont.) Department vide their U. O. No. 1495088/F dated 21-05-2014 and approval of the Cabinet in its LXIVth Cabinet meeting held on 05-08-2014.

This order is issued in partial modification to order referred at 1 above and in supersession of Addendum referred at 2 above.

By order and in the name of the Governor of Goa.

*Neetal P. Amonkar*, Under Secretary (Home).

Porvorim, 21st August, 2014.

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**Order**

No. 3/12/80-HD(G) Vol. III/2621

Sanction of the Government is hereby accorded for re-designation of the post of 'Assistant Station Fire Officer' as "Sub-Officer" with the same duties, responsibilities and pay scale, which were hitherto in force for the post of 'Assistant Station Fire Officer' in the Directorate of Fire & Emergency Services.

This issues with the approval of ARD vide their U.O. No. 820/F dated 30-05-2014, concurrence of Finance (R&C) Department vide their U.O. No. 1456531 dated 18-06-2014 and approval of the Cabinet in its LXIVth meeting held on 05-08-2014.

By order and in the name of the Governor of Goa.

*Harish N. Adconkar*, Under Secretary (Home).

Porvorim, 18th August, 2014.

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**Department of Industries**

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**Notification**

No. 4/6/2014-IND

Whereas, the Government of Goa vide Notification No. 4/6/2014-IND dated 23-05-2014, published in the Official Gazette, Extraordinary, Series II No. 8 dated 23-05-2014, declared an area specified in the Schedule hereto to be an Industrial area (hereinafter referred to as the "said Industrial area");

And whereas, the Government of Goa vide Notification No. 4/6/2014-IND dated 23-05-2014, published in the Official Gazette, Extraordinary, Series II No. 8 dated 23-05-2014, has earmarked the said Industrial area as an Industrial Estate;

And whereas, vide Proclamation No. 4/6/2014-IND dated 05-06-2014, published in the Official Gazette, Extraordinary, Series II No. 10 dated 06-06-2014 and local newspapers viz. "Goadoot" dated 08-06-2014 and "The Navhind Times" dated 08-06-2014 (hereinafter called the "said Proclamation"), the Government of Goa proposed to declare the said industrial area which is earmarked as an Industrial Estate, to be notified area and to declare that the provisions of any law relating to local authorities providing for control or erection of buildings, levy and collection of taxes, fees and other dues to the local authority which is in force in the said Industrial area shall cease to apply thereof and that the Municipalities and the Village Panchayats which were receiving house tax from the occupants of the said Industrial area, under their respective laws, shall be compensated by the Government to the extent of the last financial year's collection of taxes, for a period of five years, in terms of clauses (a) and (c) respectively of sub-section (1) of Section 37 A of the Goa Industrial Development Act, 1965 (Act 22 of 1965) (hereinafter called the "said Act") and further proposed to appoint the Goa Industrial Development Corporation (hereinafter called the "said Corporation") for the purpose of the assessment and recovery of any taxes as per the provisions of law as in force, and to authorize the said Corporation to exercise all the powers, such as, control or erection of building, levy and collection of taxes, fees and other dues in respect of local authority which is in force in the said Industrial area and also proposed that the House tax, other taxes, fees and all other types of dues so collected by the said Corporation in respect of the said Industrial area, shall be deposited with the Government immediately by the said Corporation after such collection under the Budget Head:

"0851 — Village and Small Industries;

101 — Industrial Estates;

02 — Collection of house tax from the occupants of the Industrial Estates",

in terms of clauses (b) and (d) of sub-section (1) of Section 37 A of the said Act (hereinafter collectively called the "said proposals");

And whereas, in pursuance of sub-section (2) of Section 37 A of the said Act, the Government of Goa vide said Proclamation invited all persons who entertain any objections to the said proposals to



submit the same in writing with reasons therefor, to the Director of Industries, Trade and Commerce, Panaji, within two months from the date of publication of the said Proclamation in the Official Gazette;

And whereas, the said Official Gazette was made available to the public on 06-06-2014;

And whereas, no objections have been received by the Director of Industries, Trade and Commerce on the said proposals within the said period of two months.

Now, therefore, in exercise of the powers conferred by clauses (a), (b), (c) and (d) of sub-section (1) of Section 37 A of the said Act, the Government of Goa hereby declares the said Industrial areas as specified in the Schedule hereto, which is earmarked as an Industrial Estate, to be notified area and also declares that the provisions of any law relating to local authorities providing for control or erection of buildings, levy and collection of taxes, fees and other dues to the local authority which is in force in the said Industrial area shall cease to apply thereof and that the Municipalities and the Village Panchayats, which were receiving house tax from the occupants of the said Industrial area under their respective laws shall be compensated by the Government to the extent of the last financial year's collection of taxes, for a period of five years, and further appoints the said Corporation for the purpose of the assessment and recovery or any taxes as per the provisions of law as in force and authorizes the said Corporation to exercise all the powers, such as control or erection of buildings, levy and collection of taxes, fees and other dues in respect of local authority which is in force in the said Industrial area and also directs that the house tax, other taxes, fees and all other types of dues so collected by the said Corporation in respect of said Industrial area shall be deposited with the Government immediately by the said Corporation after such collection under the Budget Head, namely:-

- “0851 — Village and Small Industries;  
101 — Industrial Estates;  
02 — Collection of house tax from the occupants of the Industrial Estates.”

#### SCHEDULE

##### (1) Calangute Industrial Estate:

- (a) Area : 1,13,500 m<sup>2</sup>.  
(b) Village : Calangute.  
(c) Taluka : Bardez.  
(d) Survey No. : 47/1 (part).

##### (e) Boundaries:

North : Survey Numbers 47 and 49.

South : Survey Number 50.

East : Survey Number 49 and boundary of village Saligao.

West : Survey Number 47 and boundary of village Calangute.

##### (2) Saligao Industrial Estate:

(a) Area : 8,080 m<sup>2</sup>.

(b) Village : Saligao.

(c) Taluka : Bardez.

(d) Survey Nos.: 112/1 (part), 114/1 (part), 116/1 (part) and 117/1 (part).

##### (e) Boundaries:

North : Survey Numbers 112, 116 and 117.

South : Survey Numbers 113 and 115.

East : Survey Numbers 112, 116 and 117.

West : Survey Numbers 112 and 114.

By order and in the name of the Governor of Goa.

*Shashank V. Thakur*, Under Secretary (Industries).

Porvorim, 21st August, 2014.



#### Department of Labour

##### Notification

No. 28/1/2014-Lab/291

The following award passed by the Industrial Tribunal and Labour Court at Panaji-Goa on 24-04-2014 in reference No. IT/33/02 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

*Shashank V. Thakur*, Under Secretary (Labour).

Porvorim, 23rd May, 2014.

IN THE INDUSTRIAL TRIBUNAL AND  
LABOUR COURT  
GOVERNMENT OF GOA  
AT PANAJI  
**(Before Ms. Bimba K. Thaly, Presiding  
Officer)**

Ref. No. IT/33/02

Workmen rep. by  
All Goa General Employees' Union,  
P. O. Box No. 90,  
Vasco da Gama, Goa ..... Workmen/Party I  
V/s

M/s. Modi Measurement  
Systems Pvt. Ltd.,  
L-2/1, Verna Electronic City,  
Verna, Goa ..... Employer/Party II

Party I/Workmen represented by Adv. Shri T.  
Pereira.

Party II/Employer represented by Adv. Shri G. B.  
Kamat.

**AWARD**

(Passed on 24th day of April, 2014)

In exercise of powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (for short 'The Act'), the Government of Goa by order dated 21-05-2002/Corrigendum dated 17-7-02 bearing No. 28/12/2001-LAB, has referred the following dispute for adjudication.

- “(1) Whether the closure of the industrial establishment by M/s. Modi Measurements Systems Pvt. Ltd., Verna-Goa, with effect from 30-05-2001 is a factual closure?
- (2) Whether the action of the management of M/s. Modi Measurements Systems Pvt. Ltd., Verna-Goa, in terminating with effect from 30-05-2001, the services of the workmen who were on their roll as on 30-05-2001, is legal and justified?
- (3) If the answer to either (1) or (2) above or to both is in the negative, then, to what relief the workmen are entitled?”

2. Upon receipt of the dispute, reference IT/33/02 was registered. Notices were issued to both the parties under registered A/D post upon which both the parties were served. Party I filed the statement of claim at Exb.5. Party II filed the written statement at Exb.6. Rejoinder was filed by Party I at Exb. 7.

3. It is in short the case of Party I that the factory of Party II situated at Verna, Goa was

manufacturing ready-made garments and allied products since 1996. It is their case that the majority of the workers employed in the said factory had enrolled on 15-11-2000 as members of All Goa General Employees' Union and this fact was communicated to Party II vide letter dated 22-11-2000. It is stated that upon learning the fact of unionization of their workmen, Party II started victimizing and harassing the workers and illegally terminated the services of two workmen namely Sandesh Naik and Harsha Kerkar alias Josna Naik and seven other workers were illegally refused employment and thereafter terminated. It is stated that subsequently union served charter of demands dated 4-1-01 upon Party II however, Party II did not negotiate but increased the harassment by withdrawing the facility of bus transport. It is stated that thereafter by notices dated 14-4-01 the workers were informed that the factory establishment was going to be closed w. e. f. 31-05-01 and consequently their services would be terminated. It is stated that the union immediately raised the matter with the conciliation authorities however the conciliation ended in failure. It is the case of Party I that Party II has not complied with the provisions of section 25-FF A as well as Section 25-O of the Act; that the reasons given for alleged closure are false, baseless and flimsy; that there is only temporary suspension of production operation without closing down the entire establishment; that the grounds alleged for closure only constitute grounds for lay off; that employers action is vindictive and in the nature of victimization and unfair labour practice; that the employer has not paid the correct legal dues of each of the workers and that the employer has full fledged plans for running the same old business in the same establishment. Party I has therefore prayed to hold that the purported closure is neither legal nor factual and the termination of the workmen as illegal. It has further prayed reinstatement of the workers in service with full back wages and all other consequential benefits.

4. In the written statement, Party II has denied the case of Party I and has stated that the union has no locus standi to sponsor the dispute. It is stated that on account of lack of orders and resultant losses incurred by Party II as well as inability of Party II to obtain further export orders and consequent under utilization to the extent of 33% of the installed capacity of the factory establishment and other factors has rendered the working of the factory uneconomic and therefore Party II decided to close its factory establishment on and from 30-05-01. It is stated that the notices

of closure dated 30-03-01 in Form Q as required u/s 25-FF A of the Act were given to the Government of Goa and others. It is stated that thereafter the factory establishment was permanently closed w. e. f. 30-05-01 and the services of all the seventy four workmen were terminated on and from 1-6-01 on payment/unconditional tender of final settlement of their dues in conformity with the provisions of the Act. It is stated that despite permanent closure of the factory the union started attributing malafides and unfair labour practices against Party II and started demanding exorbitant sums to each of the workmen for resolving the alleged dispute. It is stated that the union also sought intervention of Dy. Labour Commissioner, Margao for settlement of the alleged dispute on the terms dictated by the union in their letter dated 9-7-01. It is stated that the proceedings before the Dy. Labour Commissioner ended in failure and subsequently all the workmen collected their final settlement legal dues between 17-1-02 to 11-2-02. Thus amongst above and other grounds Party II has prayed to reject the reference.

5. In the rejoinder Party I has asserted the case set up in the claim statement and has controverted the defence projected by Party II.

6. On the basis of the averments of the respective parties issues dated 2-12-02 at Exb. 8 were framed.

7. In the course of evidence Party I examined Mr. Nilkanth Yeshwant Fadte, the President of All Goa General Employees' Union and closed the case. Party II did not lead evidence.

8. Both the parties have filed written submissions, which are at Exb. 40 and Exb. 39/41, respectively.

9. I have gone through the records of the case and have duly considered the written submissions filed by both the parties.

10. I am reproducing herewith the issues along with their findings and reasons thereof:

Sr. No.	Issues	Findings
1	2	3
1.	Whether Party I/Union proves that it has the authority to espouse the dispute on behalf of the workmen of the Party II and represent them in reference?	In the positive.
2.	Whether Party I/Union proves that the Party II did not comply with the provisions of the I.D. Act, 1947 before purported closure of its establishment?	In the negative.

1	2	3
3.	Whether Party I/Union proves that the termination of services of the workmen w. e. f. 30-05-2001 by the Party II who were on its pay roll as on 30-05-2001 is illegal, unjustified and by way of victimization and unfair labour practice?	In the negative.
4.	Whether the Party II proves that its establishment is closed permanently from 30-5-2001?	In the positive.
5.	Whether the workmen are entitled to any relief?	In the negative.
6.	What Award?	As per order below.

#### REASONS

11. *Issue No. 1:* The witness of Party I, Mr. Nilkanth Fadte has stated that the workers employed with Party II had written a joint letter dated 15-11-2000 to the union intimating their decision to join the union. He has produced the copy of the said letter dated 15-11-2000 at Exb. 15. He has stated that by letter dated 22-11-2000 the union informed the Party II that their workmen had joined the said union. He has produced the copy of the said letter dated 22-11-2000 addressed by the union to the Managing Director of Party II at Exb.17. It is therefore clear from the above documentary evidence that the workmen of Party II had joined Party I union and which fact was informed by the union to Party II and therefore it is clear that Party I union had the authority to espouse the dispute on behalf of the workmen of Party II in this reference.

12. Even otherwise in their written arguments Party II has made it clear that they do not press for this issue which in other words means that they do not press the objection raised by them stating that the union has no locus standi to sponsor this dispute. This being this situation, I have no hesitation to answer this issue in the positive. Hence my findings.

13. *Issue Nos. 2, 3 and 4:* All these issues are answered together for the sake of convenience as they are interlinked. In the claim statement Party I has averred that Party II was employing about 112 workmen during one year period prior to purported closure and that it has not obtained

prior permission of the appropriate government for closing the establishment. It is also the case of Party I that Party II has not complied with the mandatory provisions of Section 25-FF A of the Act. In this context, Shri Nilkanth Fadte has stated that vide letter dated 12-7-01 addressed to the Dy. Labour Commissioner, Margao, Party I union set out its detailed objection to the legality of the alleged closure and the consequent illegality of termination of services. He has produced the copy of this letter at Exb. 33. He has stated that the conciliation proceedings ended in failure and the conciliation officer submitted the failure report on 19-09-2001. He has produced the copy of the failure report at Exb. 35. He has further stated that by letter dated 27-02-02 union submitted a list of 112 persons employed in the Verna factory of Party II during the period of one year prior to purported date of its alleged closure to the Dy. Labour Commissioner at Margao and he has produced the copy of this letter at Exb. 37.

14. It may be mentioned that in the letter dated 12-07-01 at Exb. 33 the union has in short stated that Party II has not given notice to the appropriate government though it employs more than 50 workmen. It is also stated in this letter that the company's employees exceed 100 and that the provisions of Section 25-O of the Act are not followed by the company.

15. It is pertinent to note that Shri Nilkanth Fadte has stated in his chief examination that on 14-04-01 Party II put up a notice about its intended closure of the establishment and he has produced a copy of this notice at Exb. 31. In his cross-examination Shri Nilkanth Fadte has stated that Exb. 31 shows names of only 74 workmen and that names of other workmen are not shown in this notice. He has also stated that he does not know whether union had issued any letter to the company specifying the names of the employees not included in the notice at Exb. 31. He has however denied the suggestion that Party II had not employed 112 persons in the factory during the period of one year prior to the closure; that Party II had not engaged 100 employees and that no prior permission of the government was required for the closure and that the closure was not illegal as Party II had complied with the relevant provisions of the Act.

16. In their written submissions Party I has by referring to the letter dated 12-7-01 (Exb. 33) stated that the stand that more than 100 workers are employed was taken during conciliation proceedings before Dy. Labour Commissioner and

that vide letter dated 27-02-02 (Exb. 37) Party I had given the names of 112 workers. It is also the argument of Party I that in the light of above documents i.e. Exb. 33 and Exb. 37, the burden shifts on Party II to prove that there were less than 100 workers during the preceding year prior to 30-5-01, by producing the muster roll/attendance register. It is therefore according to Party I, as Party II has not produced the above documents, adverse inference needs to be drawn against Party II.

17. It is pertinent to note that irrespective of contents of Exb. 33 and Exb. 37, the order of reference is clear enough to indicate that dispute referred to for adjudication is whether the closure of Party II establishment is a factual closure and thereafter whether the action of the management of Party II in terminating the services of the workmen is legal and justified. It is therefore clear that the aspect of legality of the action of management of Party II in closing down its establishment is not at all referred for adjudication. Thus, as rightly pointed out by the Ld. Advocate for Party II, this court cannot adjudicate the issue as to whether the action of the management of party II in closing down its establishment is legal or not, in the instant reference.

18. It otherwise cannot be disputed that this tribunal is bound by the terms of the reference and therefore has to confine its jurisdiction to decide the points of dispute which are specifically referred to it u/s 10 (1) of the Act. Thus, as pointed out by Ld. Advocate for Party II, any decision regarding legality of the action of the management in the instant reference, would amount to travelling beyond the scope of the reference.

19. In the above context Ld. Advocate for Party II rightly relied on the judgment in the case of **Pottery Mazdoor Panchayat v/s The Perfect Pottery Co. Ltd. and Anr. AIR 1979 SC 1356** in which it is observed as "*the jurisdiction of the tribunal in industrial disputes is limited to the points specifically referred for its adjudication and to matters incidental thereto and the tribunal cannot go beyond the terms of reference*".

20. Ld. Advocate for Party II further relied on the judgment in the case of **State Bank of Bikaner & Jaipur v/s Om Prakash Sharma 2006 (109) FLR 1203** in which it is observed that "*the jurisdiction of the Labour Court emanated from the order of the reference. It could not have passed an order going beyond the terms of reference. While passing the Award, if the Labour Court exceeds its jurisdiction, the Award must be held to be suffering from a jurisdictional error*".



21. Ld. Advocate for Party II then relied on the judgment in the case of **Workmen (represented by South Eastern Roadways Workmen's Union) and Anr. v/s Eighth Industrial Tribunal and Ors. 2006 (2) LLN 580** in which it is observed that *"..... this question cannot be gone into in view of the scope and ambit of reference, which was the only question so far as closure is concerned as to whether it was real or not. Whether the closure was justified or closure was invalid was not the question which was referred to. The Tribunal while adjudicating the dispute cannot travel beyond the scope of the reference. It is only the question or the dispute that has been referred to the Tribunal by the Government the Tribunal has to confine its jurisdiction. The jurisdiction to adjudicate is conferred on the Tribunal only by reason of an order of reference under S. 10(1) of the Industrial Disputes Act, 1947. Therefore, neither the Tribunal nor the court can consider issues, which are not referred to the Tribunal ....."*

22. It is therefore clear from the observations in the above judicial pronouncements that this court has to restrict itself to the terms of reference sent for adjudication.

23. Even otherwise, it is the contention of Party II that positive burden is on the union to prove that factory establishment of Party II was employing or had employed 112 workmen on an average per working day during the one year prior to the purported closure as per the requirement of Section 25-K of the Act. Ld. Advocate for Party II in order to explain the meaning of term "workmen on an average per working day preceding twelve months" has relied on the judgment in the case of **Association of Engineer Workers v/s Empire Industries Ltd. and Anr. 2000(84) FLR 150**, the observations in which indicate that even for one day during twelve months prior to closure if there are more than 100 workmen employed, than the provisions of chapter V-B are not attracted. It is observed that if such contention is accepted than the words "on an average" in the said provision shall be rendered meaningless. It is further observed that due to emergency or exigency more than 100 workmen may be needed on a day or a few days to overcome the difficulty however this situation would not fall within Section 25-K (1) and would not be covered.

24. It deserves to be noted that the initial burden to prove the foundation facts lie on the union or the workman challenging the action of the employer as violative of any of the provisions under Chapter V-8 of the Act. This ratio is culled

out in the judgment in the case of **Maharashtra General Kamgar Union v/s Indian Gum Industrial Ltd. and Ors. 2000(86) FLR 533**, relied upon by the Ld. Advocate for Party II. Reading of this judgment further indicates that merely saying that the entire record is with the employer does not satisfy the elementary principles of pleadings and that a suitable application can always be made to the court for a direction to the employer to produce such record and to take inspection of such documents to prove the fact. It is observed that it is the primary duty of union to bring on record the relevant facts and material to succeed on the law point.

25. It may be mentioned here that as required by the observations in the above judgment, Party I has not adduced any evidence to prove that Party II was employing 112 workmen on an average per working day during the one year prior to the purported closure. It deserves to be noted that in the claim statement it is the case of Party I herein that the factory establishment of Party II was employing 112 workmen during the one year prior to the purported closure and not that it was employing 112 workmen "on an average per working day" during the one year prior to the purported closure. That apart, it is clear from the cross examination of Shri Nilkanth Fadte that no attempt has been made by the union to disclose the names of remaining 38 workers as the notice dated 14-4-01 (Exb.31) showed the names of only 74 workmen. It is also not the case of Party I that Party II has deliberately omitted the names of 38 workers nor they have examined any of these 38 workers. Though it is the argument of Ld. Advocate for Party I that Party II themselves have pleaded that there were 15 supervisory staff apart from 74 workmen and Exb.37 therefore does not prove that there were only 74 workers, it deserves to be noted that according to Party II said 15 employees were employed in supervisory/administrative capacity and therefore they cannot be termed as "workmen" u/s 2(s) of the Act. It is pertinent to note that u/s 25K of the Act, provisions of Chapter VB apply to an Industrial Establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than 100 workmen were employed on an average per working day for the preceding 12 months and therefore as rightly contended by the Party II, said 15 employees cannot be termed as "workmen". Thus, as rightly pointed by the Ld. Advocate for Party II the union has failed to discharge the burden of proving that Party II was employing 112 workmen on an average per working day.

26. Though as per the defence of Party II notices of closure dated 30-3-01 in Form-Q as required u/s 25-FF A of the Act were given to the Government of Goa through its Secretary (Labour & Employment) Panaji, Dy. Labour Commissioner, Government of Goa, Margao and Labour Commissioner, Government of Goa, Panaji, it is noticed that no such notices are produced on record by Party II in the cross examination of Shri Nilkanth Fadte and this is because Party II has not led evidence in support of their defence. Nevertheless, from the observations in the judgment in the case of **Poonvasi and Ors. v/s Crown Silk Weaving Industries and Ors. 1994 (69) FLR 341** relied upon by the Ld. Advocate for Party II, it is clear that notice u/s 25-FF A is not a condition precedent and its non compliance would not effect rendering the closure illegal or non-est. It is observed in this judgment that Section 25-FF A is not a condition precedent for closure of an undertaking and non-compliance wherewith cannot have the effect of rendering the closure illegal and non-est from its very commencement. It is observed that unlike Section 25-O, the requirement of Section 25-FF A are not mandatory. It is further observed that the power of the employer to close down an undertaking is not subject to prior permission of the appropriate government and it simply requires the employer to give 60 days notice of the intended closure to the appropriate government stating the reasons for the same. It is also observed in this judgment that mere contravention of Section 25-FF A by the employer would not render the closure of an undertaking illegal or void and will not entitle the workman to an order of reinstatement. It is thus clear from the above settled position of law that Party I cannot take advantage of the fact of non compliance of Section 25-FF A of the Act by Party II to say that the action of Party II is illegal and unlawful.

27. Shri Nilkanth Fadte has stated that as the workers were in the process of collecting the signatures on the joint letter dated 15-11-2000 intimating the union about their decision to join it, the management began victimizing and harassing the workers and illegally terminated the two workers Mr. Sandesh Naik and Mrs. Joytsna Naik alias Harsha Kerkar. Party II has denied the above case except for making the above bare statement on the subject of victimization and harassment, Party I has not pleaded in details about the manner in which victimization and harassment was made by Party II. Party I has also not examined said Mr. Sandesh Naik and Mrs.

Joytsna Naik alias Harsha Kerkar, to say that their services were terminated by way of victimization and harassment. In the judgment in the case of **M/s. Bharat Iron Works v/s Bhagubhai Balubhai Patel and Ors. AIR 1976 SC 98** to highlight the meaning and effect of the term “victimization” it is observed as under:

*“.... It is apparent that victimization may part take of various types, to cite one or two only for example pressuring an employee to leave the union or union activities, treating an employee unequal or in an obviously discriminatory manner for the sole reason of his connection with union or his particular union activity; inflicting a grossly monstrous punishment which no rational person would impose on an employee or the like.*

*A word of caution is necessary. Victimization is a serious charge by an employee against an employer; and, therefore, it must be properly and adequately pleaded by giving all particulars upon which the charge is based to enable the employer to fully meet them. The charge must not be vague or indefinite being as it is an amalgam of facts as well as inferences and attitudes. The fact that there is a union espousing the cause of the employees in legitimate trade union activity and an employee is a member or active office bearer thereof is per se, no crucial instance. Collective bargaining being the order of the day in a democratic social welfare state, legitimate trade union activity which must shun all kinds of physical threats, coercion or violence, must march with a spirit of tolerance, understanding and grace in dealings on the part of the employer ...”*

28. It is further observed in this judgment as under:

*“ .... The onus of establishing a plea of victimization will be upon the person pleading it. Since a charge of victimization is a serious matter reflecting, to a degree, upon the subjective attitude of the employer evidenced by acts and conduct, these have to be established by safe and sure evidence. Mere allegations, vague suggestions and insinuations are not enough. All particulars of the charge brought out, if believed, must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced .....”*

29. No evidence of the nature as required above, is adduced by Party I to prove victimization and also harassment, at the hands of Party II and therefore such a plea taken by Party I cannot be accepted.

30. In his cross-examination, Shri Nilkanth Fadte has stated that he had visited the factory of Party II prior to filing of the affidavit but he does not recollect the date of his said visit. He has stated that he had been to the factory even after filing of the affidavit dated 3-7-04 and at this time he found the factory premises closed. Party I has not examined any of the 74 workers to prove that the factory was actually running even after 30-5-01 and there is absolutely no evidence on record to show that after 30-5-01, the factory establishment of Party II was running at any time. Even otherwise, since it is the specific case of the union that the closure was not real or genuine, the burden is on the union to prove the same, but union has failed to discharge the said burden.

31. It cannot be disputed that in case of closure motive is immaterial and what is important is whether closure is real or not. In the above context Ld. Advocate for Party II placed reliance on the judgment in the case of **M/s. Indian Hume Pipe Co. Ltd. v/s their Workmen 1968 LAB. I.C. 1229** in which it is observed that once the Tribunal finds that an employer has closed its factory, as a matter of fact it is not concerned to go into the question as to the motive which guided him and to come to a conclusion that because of the previous history of the dispute between the employer and the employees the closure was not justified. Such a closure cannot give rise to an industrial dispute. It is also observed in this judgment that it is not for the industrial tribunals to enquire into the motive to find out whether the closure is justified or not.

32. In view of above observations, it is immaterial to find out the motive of Party II in closing down their establishment and therefore the issue that needs to be adjudicated is to find out whether the closure is real or not.

33. Nevertheless, the fact that remained established on the basis of above discussion is that Party I by notice dated 14-4-01 (Exb. 31) made clear their intention of closing down the factory establishment and consequent termination of services of 74 workmen w.e.f. 1-6-01. According to Party II the services of these 74 workmen were terminated on payment of final settlement of their dues in terms of the provisions of the Act. It is the contention of Party II that all the workmen collected their final dues by crossed cheques

between 17-1-02 to 11-2-02. In their rejoinder Party I has admitted that the workers subsequently collected whatever the little amounts which were offered to each of them under protest and without prejudice to their rights and contentions. As rightly pointed out by Ld. Advocate for Party II, Party I has not brought on record the exact quantum of legal dues allegedly due and payable to each of the 74 workmen and even Shri Nilkanth Fadte in his cross-examination has made it clear that he does not recollect whether the union had issued any letter to the company specifying the dues of each of the workmen, dues paid by the company and also arrears of the dues payable by the company. In the situation explained above it was infact for Party I to have stated in details about the dues to be paid to each of the workmen by the company, which Party I has failed.

34. Even otherwise, as rightly pointed out by Ld. Advocate for Party II, in case of termination of services of workmen on account of closure, the relevant provision applicable is section 25-FFF of the Act and not Section 25-F of the Act. This is because in case of termination of services of the workmen on account of closure, payment of notice pay and retrenchment compensation are not conditions precedent. Ld. Advocate for Party II in the above context has rightly relied on the judgment in the case of **Lal Bavta Hotel Aur Bakery Mazdoor Union v/s Ritz Private Ltd. and Anr. 2007 (3) ALL MR 74** in which by referring to the judgment in the case of **M/s. Hathising Manufacturing Co. Ltd. v/s Union of India AIR 1960 SC 923** has observed that by Section 25-F there is a prohibition against retrenchment until the conditions prescribed therein are fulfilled. It is further observed that u/s 25-FFF the closure is not made effective only upon the payment of compensation and upon the service of notice or wages in lieu thereof and that by using the words “as if the workman had been retrenched” the Parliament has not placed the closure of an undertaking on the same footing as a retrenchment u/s 25-F.

35. Thus, in view of discussion supra, it is clear that Party I has failed to prove issue Nos. 2 and 3 whereas Party II has proved issue No. 4. It therefore follows that the closure of the factory establishment of Party II was real and consequent termination of services of the workmen was legal and justified.

Hence my findings.

36. *Issue No. 5:* In view of discussion supra, the workmen are not entitled for any relief.

37. In the result, I pass the following:

#### ORDER

- (1) It is hereby held that the closure of the industrial establishment by M/s. Modi Measurements Systems Pvt. Ltd., Verna-Goa, with effect from 30-05-2001 is a factual closure.
- (2) It is further hereby held that the action of the management of M/s. Modi Measurements Systems Pvt. Ltd., Verna-Goa, in terminating with effect from 30-05-2001, the services of the workmen who were on their roll as on 30-05-2001, is legal and justified.
- (3) Party I workmen are therefore not entitled to any relief.
- (4) No order as to costs.

Inform the Government accordingly.

Sd/  
(B. K. Thaly)  
Presiding Officer  
Industrial Tribunal-  
-cum-Labour Court.



Department of Law & Judiciary

Law (Establishment) Division

**Notifications by the High Court of  
Judicature Appellate Side, Bombay**

No. A. 1201/G/2014/2870

The Hon'ble High Court has been pleased to make the transfer and posting of the following Judicial Officer:

Sr. No.	Name & present posting	New posting
1.	Shri P. V. Sawaikar, District Judge-1 and Additional Sessions Judge, Panaji	Shri P. V. Sawaikar, Special Judge, C.B.I. Court, Goa and Additional Sessions Judge, North Goa, Panaji.

High Court, Bombay.  
Dated: 21st August, 2014.

Dr. Mrs. *Shalini S. Phansalkar-Joshi*  
Registrar General

No. A. 1201/G/2014/2872

#### I

The Hon'ble The High Court has been pleased to make the transfer and posting of the following Judicial Officer:

Sr. No.	Name & present posting	New posting
1.	Ms. V. M. Prabhu Tendulkar, District Judge-3 and Additional Sessions Judge, Margao	District Judge-3 and Additional Sessions Judge, Panaji.

#### II

The Hon'ble The High Court has been pleased to make the ranking of the following Judicial Officer in the order as shown herein below:

Sr. No.	Name & present posting	New posting
1.	Shri P. V. Kamat, District Judge-2 & Additional Sessions Judge, Panaji	District Judge-1 & Additional Sessions Judge, Panaji.
2.	Shri Vincent M. D'Silva District Judge-4 and Additional Sessions Judge, Margao	District Judge-3 and Additional Sessions Judge, Margao.

High Court, Bombay  
Dated: 21st August, 2014.

Dr. Mrs. *Shalini S. Phansalkar-Joshi*  
Registrar General

No. A. 1201/G/2014/2871

The Hon'ble The High Court has been pleased to make the ranking of the following Judicial Officer in the order as shown herein below:

Sr. No.	Name & present posting	New posting
1.	Shri Irshad Agha, District Judge-3 & Assistant Sessions Judge, Panaji	District Judge-2 & Assistant Sessions Judge, Panaji.

High Court, Bombay  
Dated: 22nd August, 2014.

Dr. Mrs. *Shalini S. Phansalkar-Joshi*  
Registrar General



No. A-3924/G/2014/2670

Subject: Grant of First Assured Career Progression Scale (ACP-I) to the Judicial Officers as per the recommendations of the Honourable Shetty Commission, the directions given by the Honourable Supreme Court in its Judgement dated 23-3-2003 in Writ Petition No. (C) 1022/89 All India Judges' Association Vs. Union of India and Others and revised Pay Scale as per recommendations of the Honourable Padmanabhan Commission.

The Honourable the Chief Justice and Judges are pleased to confer the first Assured Career Progression Scale i.e. ` 33,090-920-40,450-1,080-45,850 on the following Judicial Officers in the cadre of Civil Judge, Junior Division w.e.f. the dates shown against their respective names. Accordingly the concerned heads of the departments shall refix the pay of these Officers in accordance with the Order No. 8/44/97-Fin (R&C)-FPC/Part IV dated 8th May, 2003 issued by the Government of Goa in Finance (Rev. & Cont.) Department and other relevant orders/circulars/judgements.

Sr. No.	Name of the Judicial Officers	Date of appointment in cadre	Date of conferment of ACP-I	Present posting
1.	Ms. Dvijple @ Dvija V. Patkar	16-04-2007	16-04-2012	Ad hoc C.J.S.D. & J.M.F.C., Mapusa, Dist. Panaji.
2.	Ms. Sharmila A. Patil	16-04-2007	16-04-2012	C.J.J.D. & J.M.F.C., Ponda, Dist. Panaji.
3.	Ms. Pooja C. Kavlekar	16-04-2007	16-04-2012	C.J.J.D. & J.M.F.C., Margao.
4.	Mrs. Vijayalaxmi R. Shivolkar	16-04-2007	16-04-2012	C.J.J.D. & J.M.F.C., Canacona, Dist. Margao.
5.	Ms. Apurva R. Nagvenkar	16-04-2007	16-04-2012	C.J.J.D. & J.M.F.C., Mapusa, Dist. Panaji.
6.	Mr. Ram Subrai Prabhu Dessai	16-04-2007	16-04-2012	C.J.J.D. & J.M.F.C., Pernem, Dist. Panaji.
7.	Mr. Sudhir S. Shirgaonkar	16-04-2007	16-04-2012	C.J.J.D. & J.M.F.C., Sanguem, Dist. Margao.
5.	Ms. Sae Anil Prabhudessai	22-06-2007	22-06-2012	C.J.J.D. & J.M.F.C., Panaji.

High Court, Bombay.  
Dated: 12th August, 2014.

Dr. Mrs. *Shalini S. Phansalkar-Joshi*  
Registrar General.

No. A-3924/G/2014/2681

Subject: Grant of First Assured Career Progression Scale (ACP-I) to the Judicial Officers as per the recommendations of the Honourable Shetty Commission, the directions given by the Honourable Supreme Court in its Judgement dated 23-3-2003 in Writ Petition No. (C) 1022/89 All India Judges' Association Vs. Union of India and Others and revised Pay Scale as per recommendations of the Honourable Padmanabhan Commission.

The Honourable the Chief Justice and Judges are pleased to confer the first Assured Career Progression Scale i.e. ` 43,690-1080-49,090-1,230-56,470 on the following Judicial Officers in the cadre of Senior Civil Judges, w.e.f. the dates shown against their respective names. Accordingly the concerned heads of the departments shall refix the pay of these Officers in accordance with the Order No. 8/44/97-Fin (R&C)-FPC/Part IV dated 8th May, 2003 issued by the Government of Goa in Finance (Rev. & Cont.) Department and other relevant orders/circulars/judgements.

Sr. No.	Name of the Judicial Officers	Date of appointment in cadre	Date of conferment of ACP	Present posting
1.	Shri Edger P. Fernandes	15-05-2006	15-05-2011	Civil Judge, Senior Division & J.M.F.C., Panaji.
2.	Miss Bela N. Naik	15-05-2006	15-05-2011	Ad hoc DJ-1 & A.S.J., Margao.

High Court, Bombay  
Dated: 14th August, 2014.

Dr. Mrs. *Shalini S. Phansalkar-Joshi*  
Registrar General.

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**Department of Mines**  
**Directorate of Mines & Geology**

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**Corrigendum**

No. 01/20/2014/STA/ADM/MINES/1740

Read: Order No. 01/20/2014/STA/ADM/MINES/1503 dated 05-08-2014 of Director of Mines & Geology, Panaji-Goa.

The third para of the above referred Order is to be read as “The expenditure towards his pay and allowances shall be debitabe under Demand No. 83, Budget Head:2853—Non Ferrous Mining & Metallurgical Industries; 02—Regulation and Development of Mines; 001—Direction and Administration; 02—Strengthening of Mines Department (Plan); 01—Salaries”.

The remaining part of the Order remains same.

By order and in the name of the Governor of Goa.

*Prasanna A. Acharya*, Director & ex officio Joint Secretary (Mines & Geology).

Panaji, 26th August, 2014.

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**Department of Personnel**

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**Order**

File No. 7/30/2014-PER

Read:(1) Order No. 14046/01/2013.UTS-1 dated 27-02-2014.

(2) Order No. 14020/01/2014.UTS-I (Part-IV) dated 18-07-2014.

(3) Order No. 14020/01/2014-UTS-1 (Part-IV) dated 18-07-2014.

Consequent upon posting of the following IAS Officers by the Government of India, Ministry of Home Affairs, to this Administration vide Orders read in preamble, the Governor of Goa is pleased to appoint them against the posts shown against each:-

Sl. No.	Name of the IAS Officer	Date of joining this administration	Appointed as
1	2	3	4
1.	Smt. Nila Mohanan, IAS (2007)	04-08-2014 (f. n.)	Collector (North) vice Shri Mihir Vardhan, IAS transferred.
2.	Smt. Ameya Abhyankar, IAS (2007)	04-08-2014 (f. n.)	Director of Tourism thereby relieving Shri Nikhil Dessai, Goa Civil Service Officer of the additional charge.
3.	Shri Sachin Shinde, IAS (2008)	04-08-2014 (f. n.)	I.G. (Prisons) thereby relieving Shri F. O. Hashmi, IAS.

The above IAS Officers reported to this Administration on the dates shown against each and were awaiting posting since the date of their joining.

Smt. Nila Mohanan, IAS (2007) shall hold additional charge of the post of Director of Settlement and Land Records until further orders.

Shri Ameya Abhyankar, IAS (2007) shall hold the additional charges of Special Secretary (Finance Budget) and Director (PPP Cell) thereby relieving Shri Anand Sherkane, IES of the additional charges.

By order and in the name of the Governor of Goa.

*Yetindra M. Maralkar*, Additional Secretary (Personnel).

Porvorim, 1st September, 2014.

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**Order**

File No. 7/1/95-PER/4619

Consequent upon the retirement of Shri J. J. S. Rego, Principal Chief Engineer, P.W.D., Altinho-Panaji w.e.f. 01-09-2013 given extension in service upto 31-08-2014, Shri D. J. S. Borkar,

Chief Engineer-I, seniormost officer shall hold charge of the post of Principal Chief Engineer, PWD, on officiating basis, in addition to his own duties w.e.f. 01-09-2014, until further orders.

By order and in the name of the Governor of Goa.

R. Aga, Under Secretary (Per-II).

Porvorim, 28th August, 2014.

#### Notification

File No. 7/30/2014-PER

The Governor of Goa is pleased to order the allocation of work/Departments amongst the Secretaries to the Government as follows with immediate effect, until further orders:-

Sl. No.	Name & Designation	Department allotted
1	2	3
1.	Shri B. Vijayan, IAS (1982) Chief Secretary	1. Home. 2. Personnel. 3. A.R.D. 4. Vigilance. 5. Chief Vigilance Officer. 6. Science & Technology. 7. G.A.D.
2.	Shri R. K. Srivastava, IAS (1984) Principal Secretary (Forests)	1. Forest. 2. Environment. 3. Urban Development. 4. Revenue. 5. Tourism. 6. NRI Affairs. 7. Information Technology. 8. Housing. 9. Law, Judiciary & Legislative Affairs.
3.	Shri Parimal Rai, IAS (1985) Principal Secretary (PWD)	1. P.W.D. 2. Town & Country Planning. 3. Industries, Trade & Commerce. 4. Handicrafts, Textile & Coir. 5. Transport.
4.	Shri Prashant Goyal, IAS (1993) Commissioner & Secretary (Power)	1. Power. 2. Non-Conventional Energy. 3. Labour and Employment.

1	2	3
5.	Dr. Sharat Chauhan, IAS (1994) Commissioner & Secretary (Health)	1. Health. 2. Ports. 3. River Navigation. 4. Craftsmen Training. 5. Factories & Boilers. 6. Social Welfare.
6.	Shri Keshav Chandra, IAS (1995) Commissioner & Secretary (Elections)	1. Elections. 2. Chief Electoral Officer.
7.	Shri P. Krishnamurthy, IAS (1997) Commissioner & Secretary to Chief Minister	1. Secretary to Chief Minister. 2. Finance. 3. Planning. 4. Women & Child Development.
8.	Shri P. Mathew Samuel, IAS (2001) Secretary (Sports)	1. Sports & Youth Affairs. 2. Panchayati Raj. 3. Rural Development. 4. Public Grievances. 5. Official Language. 6. Director, GIPARD. 7. Secretary, Goa Lokayukta.
9.	Shri F. O. Hashmi, IAS (2002) Secretary (Co-operation)	1. Co-operation. 2. Civil Supplies & Consumer Affairs. 3. Art & Culture. 4. Water Resources.
10.	Shri D. P. Dwivedi, IAS (2002) Secretary (Education)	1. Education. (School/Higher/Technical) 2. Agriculture. 3. Archives. 4. Archaeology. 5. Museum. 6. Gazetteer.
11.	Shri Talem Tapok, IAS (2002) Secretary (Tribal Welfare)	1. Tribal Welfare. 2. Managing Director, Goa State Scheduled Tribes Finance Development Corporation Ltd. (GSSTFDC Ltd.).
12.	Shri Z. U. Siddiqui, IAS (2002) Secretary (Printing & Stationery)	1. Printing & Stationery. 2. Director, Printing & Stationery. 3. Secretary, Goa Human Rights Commission.

1	2	3	1	2	3
		4. Secretary, Goa State Commission for Backward Classes.	15. Smt. Shilpa Shinde, IAS (2006) Secretary to Governor	1. Secretary to Governor.	2. Secretary, Goa State Commission for Protection of Child Rights.
13. Shri Pawan K. Sain, IAS (2005) Secretary (Civil Aviation)		1. Civil Aviation. 2. Institute of Public Assistance (Provedoria). 3. Mines & Geology. 4. Information & Publicity.	This issues in supersession of earlier all Notifications issued in this regard.		
14. Shri Amjad Tak, IAS (2005) Secretary (Fisheries)		1. Fisheries. 2. Animal Husbandry & Veterinary Services. 3. Legal Metrology. 4. Protocol.	By order and in the name of the Governor of Goa. <i>Yetindra M. Maralkar</i> , Additional Secretary (Personnel). Porvorim, 1st September, 2014.		

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Department of Public Health

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Order

No. 10/5/94-I/PHD

Read: Memorandum No. 10/5/94-I/PHD dated 11-07-2014.

A tentative Seniority list in the grade of Junior Physician under Directorate of Health Services was circulated to all concerned vide Memorandum referred to above inviting their objections, if any. As so far no objections have been received, the final seniority in the grade of Junior Physician shall be as under:

Sr. No.	Name of the Doctor	Date of appointment order	Date of joining	Date of birth	Qualification
1	2	3	4	5	6
1.	Dr. Sujata Prabhugaonkar	08-01-2002	11-01-2002	26-04-1970	MBBS, M.D.
2.	Dr. Iona A. Barreto	27-09-2005	28-09-2005	21-02-1972	MBBS, M.D.
3.	Dr. Damodar alias Swapnil S. Arsekar	11-01-2013	13-03-2013	08-08-1983	MBBS, M.D.
4.	Dr. Raghoba Tucaram Gaonkar	26-04-2013	22-06-2013	02-01-1984	MBBS, M.D.

By order and in the name of the Governor of Goa.

*Maria Seomara D'Souza*, Under Secretary (Health-II).

Porvorim, 7th August, 2014.

Order

No. 7/5/91-I/PHD/3342

Read: 1) Order No. 7/5/91-I/PHD dated 10-01-2013.

On the recommendation of Goa Public Service Commission as conveyed vide their letter Ref. No. COM/II/11/56(1)/2014/798 dated 06-08-2014, the ad hoc promotion of Smt. Maria D. P. Pires, Jr. Scientific Officer (Food) under the Directorate

of Food & Drugs Administration, Bambolim, is extended for further period of one year with effect from 10-01-2014 to 09-01-2015 or till the post is filled on regular basis, whichever is earlier.

By order and in the name of the Governor of Goa.

*Maria Seomara De Souza*, Under Secretary (Health-II).

Porvorim, 05th September, 2014.



**Order**

No. 7/5/91-I/PHD/3348

Read: 1) Order No. 7/5/91-I/PHD dated 01-08-2013.

On the recommendation of Goa Public Service Commission as conveyed vide their letter Ref. No. COM/II/11/56(2)/2014/797 dated 06-08-2014, the ad hoc promotion of Smt. Medha S. Tarcar Pednekar, Jr. Scientific Officer (Drugs) under the Directorate of Food & Drugs Administration, Bambolim, is extended for further period of one year with effect from 01-08-2014 to 31-07-2015 or till the post is filled on regular basis, whichever is earlier.

By order and in the name of the Governor of Goa.

*Maria Seomara De Souza*, Under Secretary (Health-II).

Porvorim, 5th September, 2014.

**Order**

No. 44/13/2013-I/PHD

Government is pleased to accept the technical resignation dated 30-07-2014 tendered by Dr. Raghoba alias Naveen Tucaram Gaonkar, Jr. Physician under Directorate of Health Services with immediate effect in order to enable him to join the post of Lecturer in Department of Medicine, Goa Medical College, Bambolim.

By order and in the name of the Governor of Goa.

*Maria Seomara De Souza*, Under Secretary (Health-II).

Porvorim, 28th August, 2014.

◆◆◆  
Department of Revenue

**Order**

No. 23/22/2012-RD

Whereas, the Government of Goa, vide Notification No. 23/22/2012-RD dated 12-11-2012, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act"), and published in the Official Gazette, Series II No. 12 dated 20-06-2013, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of

800 cum GLR and providing and laying 250 mm dia D.I. pipeline from 1200 dia PSC Main to proposed 800 m<sup>3</sup> GLR and from 800 m<sup>3</sup> GLR to existing Dist. Network at Handkant in Verna village of Salcete Taluka (add. area) (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa considered the report made by the Collector under sub-section (2) of Section 5A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/22/2012-RD dated 31-12-2013, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 39 dated 31-12-2013, declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, South Goa District, Margao-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

*Anju S. Kerkar*, Under Secretary (Revenue-II).

Porvorim, 26th August, 2014.

**Notification**

No. 22/5/2010-RD

Whereas by Government Notification No. 22/5/2010-RD dated 17-04-2013 published on Series II No. 5 of the Official Gazette, dated 02-05-2013 and in two newspapers (1) "The Navhind Times and (2) "Goa Doot" both dated 17-04-2013, it was notified under Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act"), that the land specified in the Schedule appended to the said Notification (hereinafter referred to as the said land), was needed for public purpose, viz. Land Acquisition for the Development of Government Village School Playground at Chicolna, Bogmalo, in Mormugao Taluka. Subsequently a corrigendum bearing No. 22/5/2010-RD dated 07-03-2014 was also issued and published in the Official Gazette Series II No. 51 dated 20-03-2014.

And Whereas, the Government of Goa (hereinafter referred to as "the Government"), after considering the report made under sub-section (2) of Section 5-A of the said Act is satisfied that the land specified in the Schedule hereto is needed

for the public purpose specified above (hereinafter referred to as “the said land”).

Now, Therefore, the Government hereby declares, under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also hereby appoints, under clause (c) of Section 3 of the said Act, the Deputy Collector & SDO, Mormugao, Vasco-da-Gama, Goa to perform the functions of the Collector for all proceedings hereinafter to be taken in respect of the said land, and directs him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Deputy Collector & SDO, Mormugao, Vasco-da-Gama, Goa till the award is made under Section 11.

## SCHEDULE

(Description of the said land)

*Taluka:* Mormugao *Village:* Chicalim

Survey No./ /Sub. Div. No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3

1	2	3
70/8	O: Fr. Francisco Antonio Camilo de Piedade Cruz.	25
70/7 part	O: Minguel de Quadros Barreto Xavier. Other rights & nature of right: House owned by Eugenio Silva. Jose Francisco Mascarenhas.	154
71/1	O: Comunidade of Chicalim. T: Minino Fernandes.	950
71/2	O: Comunidade of Chicalim. T: Juliana Cruz.	450
71/3	O: Comunidade of Chicalim. T: Minino Fernandes.	425
71/4	O: Comunidade of Chicalim. T: Juliana Cruz.	500
71/5	O: Comunidade of Chicalim. T: Minino Fernandes.	500

1	2	3
71/6	O: Comunidade of Chicalim. T: Juliana Cruz.	575
71/7	O: Comunidade of Chicalim. T: Menino Fernandes.	825
71/8	O: Comunidade of Chicalim. T: Juliana Cruz.	625
71/9	O: Comunidade of Chicalim. T: Menino Fernandes.	775
71/10	O: Comunidade of Chicalim. T: Juliana Cruz.	750
71/11	O: Comunidade of Chicalim. T: Minino Fernandes.	1250
71/12	O: Comunidade of Chicalim. T: Juliana Cruz.	75
71/13	O: Comunidade of Chicalim. T: Minino Fernandes.	75
71/14	O: Comunidade of Chicalim. T: Juliana Cruz.	125
71/15	O: Comunidade of Chicalim. T: Menino Fernandes.	100
71/16 part	O: Aida Azavedo Silveira.	334
71/21 part	O: Terezina Aria Pacheco.	89
71/24 part	O: Rosendo Araujo.	27
<i>Other rights house owned:</i> Rosalina Barreto.		
72/1 P	O: Minguel de Quadros Barreto Xavier.	2466
<i>Boundaries:</i> North : S. No. 71/1, 7. South : Road, S. No. 71/16, 17, 18. East : S. No. 72/1, 71/18, 17, 16, 21, 24, 25. West : S. No. 70/1, 2, 4, 6, 7, 73/4.		
		Total: 11095

By order and in the name of the Governor of Goa.

*Ashutosh Apte*, Under Secretary (Revenue-I).

Porvorim, 26th August, 2014.

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